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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER
VIZVARY, GERALD C

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 October 2008</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-17</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-17</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>4/30/2009</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   In the amendment filed 10/7/2008, the following has occurred: claims 1, 7

& 13 have been amended. Now, claims 1-17 are presented for examination.

Information Disclosure Statement

2.   The information disclosure statement (IDS) submitted on 4/30/2009 were

considered by the examiner.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by

Bozeman 6,754,640 B2.

As per claim 1 (Currently Amended) Bozeman 6,754,640 B1 discloses a method

of populating <u>and using</u> an <u>electronic</u> account-owner verification database

comprising:

(a) collecting participant data elements from one or more participant institutions,

the participant data elements associated with one or more participant accounts in

the participant institutions, and each participant data element also corresponding

to a data element field in the database, <u>wherein the participant institutions are</u>

<u>entities capable of providing</u> accurate financial account data associated with the

participant accounts on a regular basis ("Each participant in the check clearing

process has an opportunity to add to and receive information from the universal

positive pay match, authentication, authorization, clearing and settlement system

10. This information can be used for account verification and notification of a

check that was rejected due to unauthorized issue, evidence of tampering or

account owner cancellation. Status of a check as to where it is in the clearing

process is also readily available." Bozeman 6,754,640 B1 col. 11, lines 20-26);

(b) collecting non-participant data elements from one or more non-participant

institutions, the non-participant data elements associated with one or more non-

participant accounts in the non-participant institutions, and each non-participant

data element also corresponding to one of the data element fields in the

database, <u>wherein the non-participant institutions are entities not obligated to</u>

<u>provide account information on the regular basis, and wherein the non-participant</u>

<u>institutions comprise at least one of a check imaging device or database, check</u>

<u>printers, electronic bill payment companies, Internet account opening systems</u>

<u>and Internet banking systems</u> ("By matching the universal positive pay match,

authentication, authorization, clearing and settlement system 10 protocol, these

checks allow financial institutions to make payment decisions in real-time by

getting access over the Internet, peer to peer transmissions, modems, landlines,

wireless systems, check readers and other communications devices, as shown in

FIG. 14." Bozeman 6,754,640 B1 col. 15, lines 14-20) and ("Scanner technology

attached to a computer that reads a check and transmits data, as well as bar

code readers, can also be used to upload check register information." Bozeman

6,754,640 B1 col. 10, lines 30-33); and

(c) populating the data element fields of the <u>electronic</u> account-owner verification

database with the collected participant and non-participant data elements ("The

computerized method according to claim 21, further comprising the step of

automatically polling a payer who executes a check daily in order to update

check register information in said database daily." Bozeman 6,754,640 B2 claim

23);

<u>(d) entering into the electronic account-owner verification database, for an</u>

<u>account to be verified</u>:

<u>(i) an account number; and</u>

<u>(ii) at least one data element corresponding to the entered account number</u> ("The

universal positive pay match, authentication, authorization, clearing and

settlement system 10 utilizes current check register information that includes a

check number, a check amount, an account number, a routing number, a check

date, signatures, digitized signatures and matrixes and a check payee."

Bozeman 6,754,640 B1 col. 5, lines 50-54);

<u>(e) querying the account-owner verification database including data from both the</u>

<u>participant institutions and the non-participant institutions </u>("This information can

be used for account verification and notification of a check that was rejected due to unauthorized issue, evidence of tampering or account owner cancellation. Status of a check as to where it is in the clearing process is also readily available. A check query notice is sent to a payer 30 whenever their records are accessed and a deposit acceptance notice is sent to a payee 100 and payer 30 when a check is accepted." Bozeman 6,754,640 B1 col. 11, lines 23-30);

(f) receiving a response from the account-owner verification database for each of the entered data elements, wherein the response corresponding to each entered data element is positive if the account data stored in the data element field corresponding to the entered account number matches the entered data element, respectively ("The check verification services provider 90 then accesses the customer's 30 check history and gives a positive or negative rating based on whether there are any checks that have not been honored. If there are any dishonored checks written presented by the customer 30, a negative rating will be given. If there are no dishonored checks, a positive rating will be given." Bozeman 6,754,640 B1 col. 9, lines 31-37); and

(g) generating a report of the response. ("The universal positive pay match, authentication, authorization, clearing and settlement system method 130 comprises a series of steps in which payer 30 uploads check information to the universal positive pay match, authentication, authorization, clearing and settlement system 10, payee 100 deposits check in payee bank 110, payee bank 110 checks the check against database 20 in the universal positive pay match authentication, authorization, clearing and settlement system 10, check is

deposited in Federal Reserve 80 or clearing bank 70, which checks it against the database 20, payor bank 120 receives check and checks it against the database 20 and reports back to the universal positive pay match authentication, authorization, clearing and settlement system 10 that the check has been debited from payer's 30 account." Bozeman 6,754,640 B1 col. 9, lines 46-66)

As per claim 2 (Original) Bozeman 6,754,640 B2 discloses a method of claim 1 further comprising the step of:

(d) automatically and periodically updating the data element fields in the database with participant data elements from recently opened or recently maintained accounts in the participant institutions. ("The computerized method according to claim 21, further comprising the step of automatically polling a payer who executes a check daily in order to update check register information in said database daily." Bozeman 6,754,640 B2 claim 23)

As per claim 3 (Original) Bozeman 6,754,640 B2 discloses a method of claim 1 wherein step (c) further comprises organizing the participant and non-participant data elements according to account number. ("The universal positive pay match, authentication, authorization, clearing and settlement system 10 utilizes current check register information that includes a check number, a check amount, an account number, a routing number, a check date, signatures, digitized signatures and matrixes and a check payee." Bozeman 6,754,640 B2 col. 5, lines 49-54)

As per claim 4 (Original) Bozeman 6,754,640 B2 discloses a method of claim 3 wherein step (c) further comprises organizing the account numbers and their associated participant and non-participant data elements according to routing transit number. ("The universal positive pay match, authentication, authorization, clearing and settlement system 10 utilizes current check register information that includes a check number, a check amount, an account number, a routing number, a check date, signatures, digitized signatures and matrixes and a check payee." Bozeman 6,754,640 B2 col. 5, lines 49-54)

As per claim 5 (Original) Bozeman 6,754,640 B2 discloses a method of claim 1 wherein step (b) further comprises extracting data elements from check images. ("These devices will also have the capability to have optical character recognition scanning to allow the customer 30 to scan the check that was just written, and or digitize the check." Bozeman 6,754,640 B2 col. 9, lines 3-6)

As per claim 6 (Original) Bozeman 6,754,640 B2 discloses a method of claim 1 wherein step (b) further comprises extracting data elements from check printing data. ("This DirectCheck software will run on MICR laser printers of various manufacturers and provide security features in printing on blank secure paper checks, official items, financial items and other documents. The TrackBack software would also be included in the DirectCheck software." Bozeman 6,754,640 B2 col. 14, lines 19-24)

As per claim 7 (Currently Amended) Bozeman 6,754,640 B1 discloses an account-owner verification database comprising:

a plurality of data element fields populated with participant data elements and non-participant data elements, wherein the participant data elements are collected from one or more participant institutions and the participant data elements are associated with one or more participant accounts in the participant institutions, wherein the participant institutions are entities capable of providing accurate financial account data on a regular basis ("The check verification services feature allows the commercial retail entity 50 to access the customer's 30 history of writing checks, giving a negative or positive rating. This can be done in addition to accessing the previously discussed check register information." Bozeman 6,754,640 B2 col. 9, lines 20-24); and

the non-participant data elements are collected from one or more non\-participant institutions and the non-participant data elements are associated with one or more non-participant accounts in the non-participant institutions, wherein the non-participant institutions are entities not obligated to provide account information on the regular basis. ("Additionally, the universal positive pay match, authentication, authorization, clearing and settlement system 10 will have the ability to accept relationships with third parties 140, bank clearing houses 70, ATMs, check guarantee firms and more." Bozeman 6,754,640 B2 col. 15, lines 62-65)

As per claim 8 (Original) Bozeman 6,754,640 B2 discloses an account verification database of claim 7 wherein the data element fields are automatically and periodically updated with participant data elements from recently opened or recently maintained accounts in the participant institutions. ("The computerized method according to claim 21, further comprising the step of automatically polling a payer who executes a check daily in order to update check register information in said database daily." Bozeman 6,754,640 B2 claim 23)

As per claim 9 (Original) Bozeman 6,754,640 B2 discloses an account verification database of claim 7 wherein the participant and non-participant data elements are organized in the data element fields according to account number. ("The universal positive pay match, authentication, authorization, clearing and settlement system 10 utilizes current check register information that includes a check number, a check amount, an account number, a routing number, a check date, signatures, digitized signatures and matrixes and a check payee." Bozeman 6,754,640 B2 col. 5, lines 49-54)

As per claim 10 (Original) Bozeman 6,754,640 B2 discloses an account verification database of claim 9 wherein the account numbers and their associated participant and non-participant data elements are organized in the data element fields according to routing transit number. ("The universal positive pay match, authentication, authorization, clearing and settlement system 10 utilizes current check register information that includes a check number, a check

amount, an account number, a routing number, a check date, signatures, digitized signatures and matrixes and a check payee." Bozeman 6,754,640 B2 col. 5, lines 49-54)

As per claim 11 (Original) Bozeman 6,754,640 B2 discloses an account verification database of claim 7 wherein the data elements are extracted from check images. ("These devices will also have the capability to have optical character recognition scanning to allow the customer 30 to scan the check that was just written, and or digitize the check." Bozeman 6,754,640 B2 col. 9, lines 3-6)

As per claim 12 (Original) Bozeman 6,754,640 B2 discloses an account verification database of claim 7 wherein the data elements are extracted from check printing data. ("This DirectCheck software will run on MICR laser printers of various manufacturers and provide security features in printing on blank secure paper checks, official items, financial items and other documents. The TrackBack software would also be included in the DirectCheck software." Bozeman 6,754,640 B2 col. 14, lines 19-24)

As per claim 13 (Currently Amended) Bozeman 6,754,640 B1 discloses a method of verifying information associated with transacting on an account, the method comprising:

(a) providing an account verification database, the database including account data corresponding to a plurality of data element fields and organized according to account number, the account data being obtained from participant <u>institutions</u> and non-participant institutions, wherein:

<u>the participant institutions are entities capable of providing accurate financial account data on a regular basis</u> ("Each participant in the check clearing process has an opportunity to add to and receive information from the universal positive pay match, authentication, authorization, clearing and settlement system 10. This information can be used for account verification and notification of a check that was rejected due to unauthorized issue, evidence of tampering or account owner cancellation. Status of a check as to where it is in the clearing process is also readily available." Bozeman 6,754,640 B1 col. 11, lines 20-26<u>); and</u>

<u>the non-participant institutions are entities not obligated to provide account information on the regular </u>basis ("When a given commercial retail entity 50 is presented a customer's check at the point of sale, the commercial retail entity 50 sends the universal positive pay match, authentication, authorization, clearing and settlement system 10 a signal which is then sent to the check verification services provider 90." Bozeman 6,754,640 B1 col. 9, lines 26-30);

(b) entering <u>into the database</u>, for an account to be verified:

(i) an account number; and

(ii) at least one data element corresponding to the entered account number ("The universal positive pay match, authentication, authorization, clearing and settlement system 10 utilizes current check register information that includes a

check number, a check amount, an account number, a routing number, a check

date, signatures, digitized signatures and matrixes and a check payee."

Bozeman 6,754,640 B1 col. 5, lines 50-54);

(c) querying the account verification database <u>including data from both the</u>

<u>participant institutions and the non-participant institutions</u>("This information can

be used for account verification and notification of a check that was rejected due

to unauthorized issue, evidence of tampering or account owner cancellation.

Status of a check as to where it is in the clearing process is also readily

available. A check query notice is sent to a payer 30 whenever their records are

accessed and a deposit acceptance notice is sent to a payee 100 and payer 30

when a check is accepted." Bozeman 6,754,640 B1 col. 11, lines 23-30); ~~and~~

(d) receiving a response from the database for each of the entered data

elements, wherein the response corresponding to each entered data element is

positive if the account data stored in the data element field corresponding to the

entered account number matches the entered data element, respectively, and

<u>(e) generating a report of the response.</u> ("The universal positive pay match,

authentication, authorization, clearing and settlement system method 130

comprises a series of steps in which payer 30 uploads check information to the

universal positive pay match, authentication, authorization, clearing and

settlement system 10, payee 100 deposits check in payee bank 110, payee bank

110 checks the check against database 20 in the universal positive pay match

authentication, authorization, clearing and settlement system 10, check is

deposited in Federal Reserve 80 or clearing bank 70, which checks it against the

database 20, payor bank 120 receives check and checks it against the database

20 and reports back to the universal positive pay match authentication,

authorization, clearing and settlement system 10 that the check has been debited

from payer's 30 account." Bozeman 6,754,640 B1 col. 9, lines 46-66)

As per claim 14 (Original) Bozeman 6,754,640 B2 discloses a method of claim 13

further comprising the step of:

(e) receiving a negative response from the database corresponding to each

entered data element if the account data stored in the data element field

corresponding to the entered account number does not match the entered data

element, respectively. ("If the check has been tampered with or if it is an

unauthorized check number, the check will be rejected." Bozeman 6,754,640 B2

col. 5, lines 14-16)

As per claim 15 (Original) Bozeman 6,754,640 B2 discloses a method of claim 14

further comprising the step of:

(f) generating a report to the participant institution associated with the entered

account number that the data element resulted in a negative response.

("Rejected checks cause considerable effort to be expended throughout the

highly regulated banking system. A typical check passes from point of sale to

depositing bank to the Federal Reserve or clearing bank and back to the account

holder's bank and account. At each step, the check is read, sorted and recorded,

forming a trail that can be easily traced." Bozeman 6,754,640 B2 col. 5, lines 19-25)

As per claim 16 (Original) Bozeman 6,754,640 B2 discloses a method of claim 13 further comprising the step of:

(e) receiving a neutral response from the database corresponding to each entered data element if the data element field corresponding to the entered account number does not contain any account data for the entered data element, respectively. ("The financial institution then researches the checks that do not match, correcting any encoding errors and any misreads and determines if the items are fraudulent. The financial institution pays only the real or true exceptions that can be reconciled with the customers' files." Bozeman 6,754,640 B2 col. 13, line 65-col. 14 line 2)

As per claim 17 (Original) Bozeman 6,754,640 B2 discloses a method of claim 13 wherein step (a) further comprises entering a routing transit number corresponding to the entered account number. ("The universal positive pay match, authentication, authorization, clearing and settlement system 10 utilizes current check register information that includes a check number, a check amount, an account number, a routing number, a check date, signatures, digitized signatures and matrixes and a check payee." Bozeman 6,754,640 B2 col. 5, lines 49-54)

Response to Arguments

5.   In the remarks filed on 10/7/2008, Applicant argues that:

(1)   Embodiments of independent claim 1 require "collecting participant data elements from one or more participant institutions" as well as "collecting non-participant data elements from one or more non-participant institutions" (emphasis added).

(2) Simply providing an inquirer with the status of the account corresponding to the check which the inquirer wants to verify does not guarantee that the consumer is actually authorized to transact on that account.

(3) Bozeman describes a service "that can be used both account holder members and non-members" and the related system "will be accessed by all banks, depositors and account holders" (Bozeman, col. 5, 11. 28-36, emphasis added), but not that the banks contribute the data.

In response to **(1)**, Bozeman recites "This provides the universal positive pay match, authentication, authorization, clearing and settlement 10 the customer's 30 check writing behavioral matrix 180 and the credit history 190 gathered on the customer 30, and provides the universal positive 10 with the ability to guarantee payment of check funds." (Bozeman 6,754,640 B1 col. 15, lines 56-61).

In response to **(2)**, Bozeman recites "The universal positive pay match, authentication, authorization, clearing and settlement system 10 may also dial up the bank 40 and poll the current check register information for download into the universal positive pay match, authentication, authorization, clearing and settlement system 10." (Bozeman 6,754,640 B1 col. 7, lines 29-34)

In response to **(3)** Bozeman recites "Each participant in the check clearing process has an opportunity to add to and receive information from the universal positive pay match, authentication, authorization, clearing and settlement system 10. This information can be used for account verification and notification of a check that was rejected due to unauthorized issue, evidence of tampering or account owner cancellation. Status of a check as to where it is in the clearing process is also readily available." (Bozeman 6,754,640 B1 col. 11, lines 20-26)

Conclusion

6.   The following is prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Sandru (US 7,004,382 B2) teaches payment validation network having network of payment validation cells, each of which includes: one or more local qualifier systems for assessing the risk of loss in accepting a check; a service finder for identifying the scope of coverage provided by each of the local qualifier systems

and for identifying the scope of coverage provided by other cells; and one or more input/output (I/O) sources for obtaining transaction data associated with a check at a point of presentment.

7.   **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald C. Vizvary whose telephone number is 571-270-3268. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ella Colbert can be reached on 571-272-6741. The fax phone number for the organization where this application or proceeding is assigned is 571-270-4268.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ella Colbert/
Primary Examiner, Art Unit 3696

Gerald Vizvary
Patent Examiner, A.U. 3696
May 8, 2009